

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

IN RE:)
) **CASE NO. 20-50129**
JOHN ALAN ROSS,) **CHAPTER 11**
)
Debtor.)

OBJECTION TO CONFIRMATION OF THE DEBTOR'S PLAN

COMES NOW John P. Fitzgerald, III, Acting United States Trustee for Region Four, by counsel, and files his objection to the Amended Plan and Second Amended Plan (the "Plan"). *See* Docket Nos. 99 and 110.

1. It does not appear that Classes 3 and 4 have accepted the Plan. Both Classes are impaired.
2. Because Classes 3 and 4 have rejected the Plan, the Debtor's Plan(s) run afoul of the requirement in section 1129(a)(8) that all impaired classes vote for the Plan.
3. Without complying with Section 1129(a)(8) the Debtor cannot seek confirmation as a consensual Plan under Section 1191(a). The Debtor can seek confirmation of the Plan as a non-consensual Plan under Section 1191(b).

Respectfully submitted,

JOHN P. FITZGERALD, III
Acting United States Trustee
Region Four

By: /s/ Margaret K. Garber
Assistant United States Trustee

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CERTIFICATE OF SERVICE

I hereby certify that, on September 3, 2020, a true copy of the foregoing was delivered via electronic mail pursuant to the Administrative Procedures of the CM/ECF System for the United States Bankruptcy Court for the Western District of Virginia to all necessary parties.

/s/ Margaret K. Garber